

## **REMARKS**

Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

Claims 1-39 are currently pending in the application and stand rejected under 35 U.S.C. §102(e) as being anticipated by McFarlane, as set forth on pages 2-4 of the Office Action. In view of the claims as presently amended, applicant respectfully traverses this rejection.

The examiner recites applicant's claims and then states that McFarlane teaches all of the claimed elements. The Examiner is correct in some respects, namely, that McFarlane teaches receiving an incoming call, transferring the call to the VRU, requesting predetermined data and, transferring the call back to the call distribution system. However, these broadly taught elements are common to virtually all call distribution systems. Thus, applicant's claims necessarily contain some known elements.

However, each independent claim as amended recites "overwriting at least a portion of the call information identifiers with data corresponding to the predetermined data," and after routing the transferred call to the agent station, "displaying the repopulated data." There is no teaching or suggestion in McFarlane of using the fields corresponding to the call information identifiers to "house" the predetermined data. The call information identifiers are specific fields contained in the communication protocol specifically reserved for the ANI (automatic number identification) data and DNIS (dialed number information service) data, as is known in the art. This is specifically addressed in the specification, last paragraph, page 6. The ANI and DNIS fields are typically twelve characters in length, but may be larger or smaller depending upon the subscription that the user has purchased. These fields are set up in accordance with the PSTN system protocol and conform to an industry-

wide specification.

In applicant's claimed invention, the fields containing the call information identifiers are specifically reprogrammed or repopulated with data about the caller, more particularly, the data corresponding to the predetermined data. This means that the ANI and DNIS fields are "wiped out" or otherwise unavailable after the repopulation process for their usual purpose. McFarland makes no mention whatsoever about using the call information identifier fields for this alternate purpose, such as is done in applicant's claimed invention. The element for overwriting at least a portion of the call information identifiers with data corresponding to the predetermined data is completely missing in McFarland. There is no teaching, disclosure or suggestion of using the call information identifier fields in this manner. Because at least one significant element of applicant's claimed invention is missing from the device in McFarland, McFarland cannot anticipate applicant's claimed invention. Accordingly, applicant asserts that independent claims 1, 20, 29, 38, and 39 are allowable over McFarland and that claims depending from the independent claims, respectively, are allowable as depending from allowable base claims.

Applicant respectfully notes that anticipation focuses on whether a claim reads on the product or process that a prior art reference discloses, not on what the reference broadly "teaches." Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). As the Examiner is aware, each and every element of a claim must be shown in the "four corners" of the reference. "To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter." PPG Industries v. Guardian Industries, 75 F.3d 1558, 37 U.S.P.Q.2d 1618 (Fed. Cir. 1996).

Closing Remarks

The art made of record by the Examiner but not relied upon as a basis of rejection, does not, whether taken alone or in combination with McFarlane, anticipate or render obvious any of applicant's claims as now amended in the application.

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

WELSH & KATZ, LTD.

By



Eric D. Cohen  
Registration No. 38,110

July 7, 2004

WELSH & KATZ, LTD.  
120 South Riverside Plaza  
22nd Floor  
Chicago, Illinois 60606  
(312) 655-1500